

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				
INFORMATION DISCLOSURE STATEMENT		Docket Number: 13821/48902		
Application Number 10/560,209	Filing Date October 16, 2006	Examiner Sean E. AEDER	Art Unit 1642	Conf. No. 2944
Invention Title METHODS OF INHIBITING RECEPTOR TYROSINE KINASES WITH AN EXTRACELLULAR ANTAGONIST AND AN INTRACELLULAR ANTAGONIST		Inventors WAKSAL, Samuel		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the
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Date: June 24, 2008

Signature: /Theresa A. E. Doonan/
Theresa A. E. Doonan

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the accompanying form PTO/SB/08. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the accompanying PTO Form PTO/SB/08, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).

The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to **Kenyon & Kenyon LLP, deposit account 11-0600**.

Applicant wishes to make reference to the Information Disclosure Statement and Form 1449 filed May 19, 2008 which erroneously indicated that the filing of such Information Disclosure Statement occurred after the close of prosecution. This statement is incorrect. The accompanying PTO/SB/08 form lists additional art and supplants the previously filed Form 1449.

The accompanying form PTO/SB/08 includes reference to an article designated "D3" by the Russian Federation Patent Office. To date, the Applicant has been unable to secure an English translation of D3. Instead, the Applicant provides an English translation of the Russian Federation Office Action, dated 18 February 2008, which discussed D3 as pertaining to the use of cytostatic preparations as antineoplastic agents.

☐ 1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c)

before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

☒ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

☒ c. Please debit **Kenyon & Kenyon LLP, Deposit Account No. 11-0600** in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).

☐ 3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit **Kenyon & Kenyon LLP, Deposit Account No. 11-0600** in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

☐ 4. Relevance of the non-English language reference(s) is discussed in the present specification.

☒ 5. The references were cited in office actions in counterpart foreign applications. English language version of the foreign corresponding foreign office actions and responses thereto are attached for the Examiner's information, with the exception of prior art D3, pertaining to the use of cytostatic preparations as antineoplastic agents, as cited in the English translation of the Russian Federation Office Action, dated 18 February 2008, a copy of which is enclosed.

☐ 6. A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix attached hereto.

☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.

☐ 8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.

☐ 9. The reference(s) was/were cited by or submitted to the Office in parent application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached. 37 CFR §1.98(d).

☐ 10. English-language Abstracts of the non-English language references are attached hereto.

☐ 11. Since this application was filed after June 30, 2003, copies of U.S. references are not included.

☐ 12. Other.

Respectfully submitted,

Date: June 24, 2008

/Lawrence P. Casson/
Lawrence P. Casson
Reg. No. 46,606

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)
CUSTOMER NUMBER 26646